

### **REMARKS**

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-4, 7-17, 19-22, 24-27, 29, and 44-45 remain in this application, including independent claims 1 and 22. In this Amendment, Applicants have corrected several inadvertent errors in the specification with regard to Table reference numbers and one Example reference number.

Applicants first wish to thank Examiners Yu and Padmanabhan for the courtesies extended during telephone interviews conducted with Applicants' representative for this case on May 7 and May 11, 2004. During these interviews, the Office Action and cited references were discussed, but no specific agreements were reached.

In the Office Action, claims 1-4, 7-12, 14-17, 19-22, 24-27, 29, and 44-45, which include independent claims 1 and 22, were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/03147 to Hammonds, et al. in view of U.S. Patent No. 6,440,437 to Krzysik, et al., U.S. Patent No. 5,728,389 to Sebillotte-Arnaud, and U.S. Patent No. 4,944,938 to Potini. Hammonds, et al. is directed to fibrous sheet materials applied with an oat extract solution, and this oat extract solution includes an effective amount of oat extract and a solubilizing agent (which, in some embodiments, may be glycerin). However, contrary to Applicants' independent claims 1 and 22, Hammonds, et al. does not disclose or teach the use of an alkoxylated alcohol surfactant (e.g., talloweth-60-myristyl glycol) as part of a viscosity-increasing component of a water-soluble lotion composition applied to a paper web. Nevertheless, Hammonds, et al. was combined with three additional references, including Krzysik, et al., to reject independent claims 1 and 22.

Applicants respectfully submit that Krzysik, et al. is not available as prior art to the present application. Under the provisions of 35 U.S.C. § 103(c), a patent that qualifies as prior art only under §§ 102(e), (f), or (g) is not available as prior art if the patent and the claimed invention were, at the time the invention was made, subject to

an obligation of assignment to the same person.<sup>1</sup> In the instant case, Krzysik, et al. and the present application were both subject to assignment to Kimberly-Clark Worldwide, Inc. Specifically, the files of the present application refer to an assignment recorded in the PTO at Reel and Frame Nos. 011831/0853 to Kimberly-Clark Worldwide, Inc. Likewise, Krzysik, et al. was also formally assigned to Kimberly-Clark Worldwide, Inc. Accordingly, Applicants respectfully submit that Krzysik, et al. is no longer available as prior art to the present application.<sup>2</sup>

Even if certain subject matter of Krzysik, et al. were considered prior art to the present application, however, Applicants respectfully submit that the present claims patentably define over the combination of Krzysik, et al. with Hammonds, et al. Krzysik, et al. is directed to a wet wipe or wipe-type product such as a baby wipe, and adult wipe, a hand wipe, or the like, where the wipe is made by combining a wipe or wipe-type product with an oil-in-water emulsion composition comprising a natural fat or oil, a sterol or sterol derivative, a humectant, an emulsifying surfactant, and water. Krzysik, et al. specifically states that the amount of a oil-in-water emulsion composition contained within each wet wipe or wipe-type product may range from about 100 to about 600 weight percent based on the dry weight of the product. (Col. 3, lines 57-60; col. 14, lines 34-51).

In contrast, Applicants' independent claims 1 and 22 are directed to an absorbent paper product or paper towel for drying and conditioning the skin of a user, wherein the paper product or paper towel comprises a paper web and a water-soluble lotion composition applied to the paper web such that the add-on level of the lotion composition is *between about 1% to about 10% by weight of the paper product or paper towel*. Krzysik, et al. teaches away from Applicants' claimed add-on level of water-

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<sup>1</sup> Krzysik, et al. is not available as prior art under § 102(a) as it published on August 27, 2002, while the present application was filed on November 21, 2000. Thus, it is presumed that the Office Action attempts to use Krzysik, et al. as a § 102(e) reference in the § 103 rejection.

<sup>2</sup> It should also be noted that Krzysik, et al. is the U.S. parent case to International Publication No. WO 00/64408, which published on November 2, 2000. Applicants already filed, on October 1, 2003, a Declaration Under 37 C.F.R. § 1.131 to disqualify the WO 00/64408 publication as prior art under § 102(a).


soluble lotion composition of between about 1% to about 10% by weight of the paper product or paper towel. Specifically, Krzysik, et al. states that the amount of the oil-in-water emulsion composition contained within each of its wet wipes may range from about 100 to about 600 weight percent based on the dry weight of the product and that "if the amount of liquid is less than the above-identified ranges, the wet wipe may be too dry and may not adequately perform." (Col. 14, lines 39-48).

Applicants further submit that Sebillotte-Arnaud and Potini do not remedy the above-described deficiencies in the disclosures of Hammonds, et al. and Krzysik, et al. Sebillotte-Arnaud is directed to a skin cleansing composition containing, in a cosmetically acceptable medium, a structuring agent insoluble in this medium and formed of solid particles, which imparts a deformable solid appearance to the composition in which the medium is contained. (Col. 1, lines 61-66). Sebillotte-Arnaud contains no teaching whatsoever concerning any type of absorbent paper product, and no motivation would have existed in the art to combine any aspect of Sebillotte-Arnaud with the teachings of Hammonds, et al. and Krzysik, et al. and arrive at Applicants' claimed absorbent paper products or paper towels. Similarly, Potini is directed to an antiperspirant/deodorant gel that includes aluminum chlorohydrate, water, an isostearyl benzoate emollient, volatile siloxanes, cetyl ether emollient, and one or more glycol solubilizers. Potini contains no teaching whatsoever concerning any type of absorbent paper product, and no motivation would have existed in the art to combine any aspect of Potini with the teachings of Hammonds, et al. and Krzysik, et al. and arrive at Applicants' claimed absorbent paper products or paper towels.

In summary, Applicants respectfully submit that the present claims are in complete condition for allowance. Should any issue remain after consideration of this Amendment, Examiner Yu is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit  
Account No. 04-1403.

Respectfully submitted,  
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